

_____ BILL NO. _____

INTRODUCED BY _____
(Primary Sponsor)

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE LOCATIONS FOR THE OPERATION OF OFF-HIGHWAY VEHICLES; PROVIDING THAT AN OFF-HIGHWAY VEHICLE MAY NOT BE OPERATED ON A STREET OR HIGHWAY; CLARIFYING THE APPLICATION OF THE LAW ON THE OPERATION OF OFF-HIGHWAY VEHICLES TO ALL OFF-HIGHWAY VEHICLES; INCLUDING ALL QUADRICYCLES AS OFF-HIGHWAY VEHICLES; ELIMINATING THE ABILITY TO REGISTER AND LICENSE A QUADRICYCLE AND OPERATE IT ON STREETS AND HIGHWAYS; AMENDING SECTIONS 15-1-122, 15-68-101, 23-2-801, 23-2-802, 23-2-804, 23-2-821, 31-1-202, 61-1-319, 61-1-514, 61-3-303, 61-3-321, 61-3-332, 61-3-402, 61-3-403, 61-3-415, 61-3-479, 61-3-481, 61-3-509, 61-3-527, 61-4-101, 61-4-120, 61-4-125, 61-5-102, 61-5-106, 61-5-110, 61-6-303, 61-8-359, 61-9-203, 61-9-204, 61-9-205, 61-9-220, 61-9-225, 61-9-304, 61-9-405, 61-9-407, 61-9-417, 61-9-418, 61-9-421, AND 61-9-430, MCA; AND PROVIDING AN EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 15-1-122, MCA, is amended to read:

"15-1-122. Fund transfers. (1) There is transferred from the state general fund to the adoption services account, provided for in 42-2-105, \$36,764 for fiscal year 2003. Beginning with fiscal year 2004, the amount of the transfer must be increased by 10% in each succeeding fiscal year.

(2) There is transferred from the state general fund to the department of transportation state special revenue nonrestricted account the following amounts:

~~(a) \$75,000 in fiscal year 2003;~~

~~(b) \$0 in fiscal years 2004 and 2005;~~

~~(c)(a)~~ \$3,050,205 in fiscal year 2006; and

~~(d)(b)~~ in each succeeding fiscal year, the amount in subsection ~~(2)(c)~~ (2)(a), increased by 1.5% in each succeeding fiscal year.

(3) For each fiscal year, there is transferred from the state general fund to the accounts, entities, or recipients indicated the following amounts:

(a) to the motor vehicle recycling and disposal program provided for in Title 75, chapter 10, part 5:

1 (i) \$2 for each new application for a motor vehicle title and for each transfer of a motor vehicle title for
2 which a fee is paid pursuant to 61-3-203; and

3 (ii) \$1 for each passenger car or truck under 8,001 pounds GVW that is registered for licensing pursuant
4 to Title 61, chapter 3, part 3, and \$5 for each permanently registered light vehicle. Fifteen cents of each dollar
5 must be used for the purpose of reimbursing the hired removal of abandoned vehicles during the calendar year
6 following the calendar year in which the fee was paid. Any portion of the 15 cents not used for abandoned
7 vehicle removal reimbursement during the calendar year following its payment must be used as provided in
8 75-10-532.

9 (b) to the noxious weed state special revenue account provided for in 80-7-816:

10 (i) \$1 in fiscal year 2006 and, in each subsequent year, \$2.75 for each off-highway vehicle for which
11 the fee in lieu of tax is paid, as provided for in 23-2-803; and

12 (ii) for vehicles registered or reregistered pursuant to 61-3-321:

13 (A) \$1.50 for each registered light vehicle, truck or bus weighing less than 1 ton, logging truck, vehicle
14 weighing more than 1 ton, and motor home; and

15 (B) \$1.50 in fiscal year 2006 and, in each subsequent year, \$3.65 for each motorcycle ~~and quadricycle~~;
16 and

17 (C) \$7.50 for each permanently registered light vehicle;

18 (c) to the department of fish, wildlife, and parks:

19 (i) \$2.50 in fiscal year 2006 and, in each subsequent year, \$14.50 for each motorboat, sailboat, or
20 personal watercraft receiving a certificate of number under 23-2-512, with 20% of the amount received to be
21 used to acquire and maintain pumpout equipment and other boat facilities;

22 (ii) \$5 in fiscal year 2006 and, in each subsequent year, \$19 for each snowmobile registered under
23 23-2-616, with 50% of the amount to be used for enforcing the purposes of 23-2-601, 23-2-602, 23-2-611,
24 23-2-614 through 23-2-619, 23-2-621, 23-2-622, 23-2-626, 23-2-631 through 23-2-635, and 23-2-641 through
25 23-2-644 and 50% of the amount designated for use in the development, maintenance, and operation of
26 snowmobile facilities;

27 (iii) \$1 for each duplicate snowmobile registration decal issued under 23-2-617;

28 (iv) \$5 in fiscal year 2006 and, in each subsequent year, \$13.25 for each off-highway vehicle decal
29 issued under 23-2-804 and each off-highway vehicle duplicate decal issued under 23-2-809, with 40% of the
30 money used to enforce the provisions of 23-2-804 and 60% of the money used to develop and implement a

comprehensive program and to plan appropriate off-highway vehicle recreational use;

(v) to the state special revenue fund established in 23-1-105, \$3.50 in fiscal year 2006 and, in each subsequent year, \$8 for each recreational vehicle, motor home, and travel trailer registered or reregistered and subject to the fee in 61-3-321;

(vi) an amount equal to 20% of the funds collected pursuant to 23-2-518 to be deposited in the motorboat account to be used as provided in 23-2-533; and

(vii) to the state special revenue fund established in 23-1-105, \$4 for each passenger car or truck under 8,001 pounds GVW registered for licensing pursuant to 61-3-321(11)(a), with \$3.50 of the money used for state parks, 25 cents used for fishing access sites, and 25 cents used for the operation of state-owned facilities at Virginia City and Nevada City;

(d) to the state veterans' cemetery account, provided for in 10-2-603, \$10 for each veteran's license plate subject to the fee in 61-3-459;

(e) to the supplemental benefits for highway patrol officers' retirement account provided for in 19-6-709, 25 cents for each motor vehicle registered, other than:

(i) trailers or semitrailers registered in other jurisdictions and registered through a proportional registration agreement; and

(ii) vehicles registered under 61-3-527, 61-3-530, and 61-3-562;

(f) 25 cents a year for each registered vehicle and \$1.25 for each permanently registered vehicle subject to the fee in 61-3-321(6) for deposit in the state special revenue fund to the credit of the senior citizens and persons with disabilities transportation services account provided for in 7-14-112;

(g) to the search and rescue account provided for in 10-3-801:

(i) \$2 a year for each vessel [subject to the search and rescue surcharge] in 23-2-517;

(ii) \$2 a year for each snowmobile [subject to the search and rescue surcharge] in 23-2-615(1)(b) and 23-2-616(3); and

(iii) \$2 a year for each off-highway vehicle [subject to the search and rescue surcharge] in 23-2-803; and

(h) 50 cents a year for each vehicle subject to the fee in 61-3-321(7) for deposit in the state special revenue fund to the credit of the veterans' services account provided for in 10-2-112(1).

(4) For each fiscal year, the department of justice shall provide to the department of revenue a count of the vehicles required for the calculations in subsection (3). The department of justice shall provide a separate count of vehicles that are permanently registered pursuant to 61-3-562. A permanently registered vehicle may

1 be included in vehicle counts only in the year in which the vehicle is registered or reregistered. Transfer amounts
2 in each fiscal year must be based on vehicle counts in the most recent calendar year for which vehicle
3 information is available. Vehicles that are permanently registered may be included in vehicle counts only in the
4 year in which the vehicles are registered by new owners.

5 (5) The amounts transferred from the general fund to the designated recipient must be appropriated
6 as state special revenue in the general appropriations act for the designated purposes."

7
8 **Section 2.** Section 15-68-101, MCA, is amended to read:

9 **"15-68-101. Definitions.** For purposes of this chapter, unless the context requires otherwise, the
10 following definitions apply:

11 (1) (a) "Accommodations" means a building or structure containing individual sleeping rooms or suites
12 that provides overnight lodging facilities for periods of less than 30 days to the general public for compensation.

13 (b) Accommodations includes a facility represented to the public as a hotel, motel, campground, resort,
14 dormitory, condominium inn, dude ranch, guest ranch, hostel, public lodginghouse, or bed and breakfast facility.

15 (c) The term does not include a health care facility, as defined in 50-5-101, any facility owned by a
16 corporation organized under Title 35, chapter 2 or 3, that is used primarily by persons under 18 years of age for
17 camping purposes, any hotel, motel, hostel, public lodginghouse, or bed and breakfast facility whose average
18 daily accommodation charge for single occupancy does not exceed 60% of the amount authorized under
19 2-18-501 for the actual cost of lodging for travel within the state of Montana, or any other facility that is rented
20 solely on a monthly basis or for a period of 30 days or more.

21 (2) (a) "Admission" means payment made for the privilege of being admitted to a facility, place, or event.

22 (b) The term does not include payment for admittance to a movie theater or to a sporting event
23 sanctioned by a school district, college, or university.

24 (3) (a) "Base rental charge" means the following:

25 (i) charges for time of use of the rental vehicle and mileage, if applicable;

26 (ii) charges accepted by the renter for personal accident insurance;

27 (iii) charges for additional drivers or underage drivers; and

28 (iv) charges for child safety restraints, luggage racks, ski racks, or other accessory equipment for the
29 rental vehicle.

30 (b) The term does not include:

1 (i) rental vehicle price discounts allowed and taken;

2 (ii) rental charges or other charges or fees imposed on the rental vehicle owner or operator for the
3 privilege of operating as a concessionaire at an airport terminal building;

4 (iii) motor fuel;

5 (iv) intercity rental vehicle drop charges; or

6 (v) taxes imposed by the federal government or by state or local governments.

7 (4) (a) "Campground" means a place used for public camping where persons may camp, secure tents,
8 or park individual recreational vehicles for camping and sleeping purposes.

9 (b) The term does not include that portion of a trailer court, trailer park, or mobile home park intended
10 for occupancy by trailers or mobile homes for resident dwelling purposes for periods of 30 consecutive days or
11 more.

12 (5) "Engaging in business" means carrying on or causing to be carried on any activity with the purpose
13 of receiving direct or indirect benefit.

14 (6) (a) "Lease", "leasing", or "rental" means any transfer of possession or control of tangible personal
15 property for a fixed or indeterminate term for consideration. A lease or rental may include future options to
16 purchase or extend.

17 (b) Lease or rental includes agreements covering motor vehicles and trailers when the amount of
18 consideration may be increased or decreased by reference to the amount realized upon sale or disposition of
19 the property, as defined in 26 U.S.C. 7701(h)(1).

20 (c) The term does not include:

21 (i) a transfer of possession or control of property under a security agreement or deferred payment plan
22 that requires the transfer of title upon completion of the required payments;

23 (ii) a transfer of possession or control of property under an agreement that requires the transfer of title
24 upon completion of required payments and payment of an option price that does not exceed the greater of \$100
25 or 1% of the total required payments; or

26 (iii) providing tangible personal property with an operator if an operator is necessary for the equipment
27 to perform as designed and not just to maintain, inspect, or set up the tangible personal property.

28 (d) This definition must be used for sales tax and use tax purposes regardless of whether a transaction
29 is characterized as a lease or rental under generally accepted accounting principles, the Internal Revenue Code,
30 the Montana Uniform Commercial Code, or other provisions of federal, state, or local law.

(e) This definition must be applied only prospectively from the date of adoption and has no retroactive impact on existing leases or rentals.

(7) (a) "Motor vehicle" means a light vehicle as defined in 61-1-139, a motorcycle as defined in 61-1-105, a motor-driven cycle as defined in 61-1-106, a quadricycle as defined in ~~61-1-133~~ 23-2-801, a motorboat or a sailboat as defined in 23-2-502, or an off-highway vehicle as defined in 23-2-801 that:

(i) is rented for a period of not more than 30 days;

(ii) is rented without a driver, pilot, or operator; and

(iii) is designed to transport 15 or fewer passengers.

(b) Motor vehicle includes:

(i) a rental vehicle rented pursuant to a contract for insurance; and

(ii) a truck, trailer, or semitrailer that has a gross vehicle weight of less than 22,000 pounds, that is rented without a driver, and that is used in the transportation of personal property.

(c) The term does not include farm vehicles, machinery, or equipment.

(8) "Permit" or "seller's permit" means a seller's permit as described in 15-68-401.

(9) "Person" means an individual, estate, trust, fiduciary, corporation, partnership, limited liability company, limited liability partnership, or any other legal entity.

(10) "Purchaser" means a person to whom a sale of personal property is made or to whom a service is furnished.

(11) "Rental vehicle" means a motor vehicle that is used for or by a person other than the owner of the motor vehicle through an arrangement and for consideration.

(12) "Retail sale" means any sale, lease, or rental for any purpose other than for resale, sublease, or subrent.

(13) "Sale" or "selling" means the transfer of property for consideration or the performance of a service for consideration.

(14) (a) "Sales price" applies to the measure subject to sales tax and means the total amount or consideration, including cash, credit, property, and services, for which personal property or services are sold, leased, or rented or valued in money, whether received in money or otherwise, without any deduction for the following:

(i) the seller's cost of the property sold;

(ii) the cost of materials used, labor or service costs, interest, losses, all costs of transportation to the

1 seller, all taxes imposed on the seller, and any other expense of the seller;

2 (iii) charges by the seller for any services necessary to complete the sale, other than delivery and
3 installation charges;

4 (iv) delivery charges;

5 (v) installation charges;

6 (vi) the value of exempt personal property given to the purchaser when taxable and exempt personal
7 property have been bundled together and sold by the seller as a single product or piece of merchandise; and

8 (vii) credit for any trade-in.

9 (b) The amount received for charges listed in subsections (14)(a)(iii) through (14)(a)(vii) are excluded
10 from the sales price if they are separately stated on the invoice, billing, or similar document given to the
11 purchaser.

12 (c) The term does not include:

13 (i) discounts, including cash, term, or coupons that are not reimbursed by a third party that are allowed
14 by a seller and taken by a purchaser on a sale;

15 (ii) interest, financing, and carrying charges from credit extended on the sale of personal property or
16 services if the amount is separately stated on the invoice, bill of sale, or similar document given to the purchaser;
17 or

18 (iii) any taxes legally imposed directly on the consumer that are separately stated on the invoice, bill of
19 sale, or similar document given to the purchaser.

20 (d) In an exchange in which the money or other consideration received does not represent the value
21 of the property or service exchanged, sales price means the reasonable value of the property or service
22 exchanged.

23 (e) When the sale of property or services is made under any type of charge or conditional or time-sales
24 contract or the leasing of property is made under a leasing contract, the seller or lessor shall treat the sales price,
25 excluding any type of time-price differential, under the contract as the sales price at the time of the sale.

26 (15) "Sales tax" and "use tax" mean the applicable tax imposed by 15-68-102.

27 (16) "Seller" means a person that makes sales, leases, or rentals of personal property or services.

28 (17) (a) "Service" means an activity that is engaged in for another person for consideration and that is
29 distinguished from the sale or lease of property. Service includes activities performed by a person for its
30 members or shareholders.

(b) In determining what a service is, the intended use, principal objective, or ultimate objective of the contracting parties is irrelevant.

(18) "Use" or "using" includes use, consumption, or storage, other than storage for resale or for use solely outside this state, in the ordinary course of business."

Section 3. Section 23-2-801, MCA, is amended to read:

"23-2-801. Definition. (1) As used in this part, the following definitions apply:

(1) ~~(a) "off-highway~~ "Off-highway vehicle" means a self-propelled vehicle used for recreation or cross-country travel on public lands, trails, easements, lakes, rivers, or streams. The term includes but is not limited to motorcycles, quadricycles, dune buggies, amphibious vehicles, air cushion vehicles, and any other means of land transportation deriving motive power from any source other than muscle or wind.

~~(2)(b)~~ Off-highway vehicle does not include:

~~(a)(i)~~ vehicles designed primarily for travel on, over, or in the water;

~~(b)(ii)~~ snowmobiles; or

~~(c)(iii)~~ except as provided in 23-2-804, vehicles otherwise issued a certificate of title and registered under the laws of the state, unless the vehicle is used for off-road recreation on public lands.

(2) (a) "Quadricycle" means a four-wheeled motor vehicle, designed for on-road or off-road use, having a seat or saddle upon which the operator sits and a motor capable of producing not more than 50 horsepower.

(b) The term does not include golf carts."

Section 4. Section 23-2-802, MCA, is amended to read:

"23-2-802. Exemptions. ~~The~~ Except for 23-2-821, the provisions of this part do not apply to:

(1) an off-highway vehicle:

(a) owned or used by the United States or another state or an agency or political subdivision ~~thereof~~ of another state;

(b) registered in a country other than the United States, temporarily used within this state for not more than 30 days; or

(c) registered in another state of the United States, temporarily used within this state for not more than 30 days; or

(2) a licensed motorcycle ~~or licensed quadricycle~~ used for fishing and hiking access, camping, or

1 picnicking on a visible two-track trail or road within 1 mile of a designated road."

2
3 **Section 5.** Section 23-2-804, MCA, is amended to read:

4 **"23-2-804. Decal required.** (1) Except as provided in 23-2-802, an off-highway vehicle may not be
5 operated by a person for off-road recreation on public lands in Montana unless there is displayed in a
6 conspicuous place a decal, in a form prescribed by the department of justice and issued by the county treasurer,
7 as visual proof that the following fees have been paid:

8 (a) (i) the fee in lieu of tax provided for in 23-2-803; and

9 (ii) the registration fee provided for in 61-3-321; or

10 (b) when the vehicle will be used as provided in this section, the registration and taxation fees for
11 motorcycles and quadricycles subject to licensure under 61-3-321, as evidenced by presentation of an owner's
12 certificate of registration and payment receipt. The county treasurer may confirm the registration status of a
13 motorcycle or quadricycle by examining the current registration receipt for the vehicle or checking the electronic
14 record of title for the vehicle.

15 (2) The decal must be serially numbered."
16

17 **Section 6.** Section 23-2-821, MCA, is amended to read:

18 **"23-2-821. ~~Off-highway~~ Unlawful operation of off-highway vehicles -- crossings of public roads**
19 **-- use of certain forest development roads -- agricultural use.** (1) Except as provided in subsection (2), an
20 off-highway vehicle may make a direct crossing of a ~~public road~~ highway, as defined in 61-1-201, when the
21 crossing is necessary to get to another authorized area of operation. The crossing must be made at an angle
22 of approximately 90 degrees to the direction of traffic at a place where no obstruction prevents a quick and safe
23 crossing. The off-highway vehicle must make a complete stop before entering upon any part of the traffic way,
24 and the operator shall yield the right-of-way to all oncoming traffic.

25 (2) ~~An~~ Except as provided in subsection (3), an off-highway vehicle may not be operated ~~on or~~

26 (a) on a street, as defined in 61-1-203, or a highway; or

27 (b) across a highway that is part of the federal-aid interstate system, except as provided in subsection

28 (1).

29 (3) An off-highway vehicle may be operated on or across a forest development road in this state, as
30 defined in 61-8-110, if the road has been designated and approved for off-highway vehicle use by the United

1 States forest service.

2 (4) An off-highway vehicle may be temporarily operated on a highway when the operator of the
3 off-highway vehicle is engaged in an agricultural operation. For the purposes of this section "agricultural" has
4 the meaning provided in 15-1-101."

5
6 **Section 7.** Section 31-1-202, MCA, is amended to read:

7 **"31-1-202. Definitions.** (1) Unless the context requires otherwise, in this part the following definitions
8 apply:

9 (a) "Cash sale price" means the price stated in a retail installment contract or in a sales slip or other
10 memorandum furnished by a retail seller to a retail buyer under or in connection with a retail charge account
11 agreement for which the seller would have sold or furnished to the buyer and the buyer would have bought or
12 obtained from the seller the goods or services that are the subject matter of the retail installment transaction,
13 if the sale had been a sale for cash. The cash sale price may include any taxes, registration, certificate of title,
14 license, and official fees and cash sale prices for services, if any, and for accessories and their installation and
15 for delivering, servicing, repairing, or improving the goods.

16 (b) "Department" means the department of administration provided for in Title 2, chapter 15, part 10.

17 (c) "Finance charge" means the amount, as limited by 31-1-241, in addition to the principal balance,
18 agreed upon between the buyer and the seller, to be paid by the buyer for the privilege of purchasing goods or
19 services to be paid for by the buyer in one or more deferred installments.

20 (d) "Goods" means all chattels personal, including motor vehicles and merchandise certificates or
21 coupons exchangeable for chattels personal but not including money or things in action. The term includes
22 goods that, at the time of the sale or subsequently, are to be so affixed to realty as to become a part of the realty,
23 whether or not severable from it.

24 (e) "Holder" means:

25 (i) the retail seller of the goods or services under the retail installment contract or retail charge account
26 agreement or a person who establishes and administers retail charge account agreements with retail buyers;

27 (ii) the assignee, if the retail installment contract or the retail charge account agreement or the balance
28 in the account under either has been sold or otherwise transferred; or

29 (iii) any other person entitled to the rights of the retail seller under any retail installment contract or any
30 retail charge account agreement.

1 (f) "Manufactured structure" means any structure, transportable in one or more sections, designed to
2 be used as a single-family dwelling or commercial building with or without a permanent foundation when
3 connected to the required utilities and includes the plumbing, heating, air conditioning, and electrical systems
4 contained in the structure.

5 (g) (i) "Motor vehicle" means any new or used automobile, motorcycle, ~~quadricycle~~, truck, trailer,
6 semitrailer, truck tractor, and all vehicles with any power, other than muscular power, primarily designed or used
7 to transport persons or property on a public highway.

8 (ii) The term does not include any vehicle that runs only on rails or tracks or in the air.

9 (h) "Official fees" means:

10 (i) the fees prescribed by law for filing, recording, or otherwise perfecting and releasing or satisfying any
11 title or lien retained or taken by a seller in connection with a retail installment transaction; or

12 (ii) the premium for insurance in lieu of filing, recording, or otherwise perfecting any title or lien retained
13 or taken by a seller in connection with a retail installment transaction to the extent that the premium does not
14 exceed the fees that would otherwise be payable for filing, recording, or otherwise perfecting and releasing or
15 satisfying any title or lien retained or taken by a seller in connection with a retail installment transaction.

16 (i) "Person" means an individual, partnership, corporation, association, and any other group, however
17 organized.

18 (j) "Principal balance" means the cash sale price of the goods or services that are the subject matter
19 of a retail installment transaction plus the amounts, if any, included in the sale, if a separate identified charge
20 is made and stated in the contract, for insurance and other benefits and official fees, minus the amount of the
21 buyer's downpayment in money or goods.

22 (k) "Recreational vehicle" means a vehicular type unit that either has its own motor power or is mounted
23 on or drawn by another vehicle, primarily designed as temporary living quarters for recreational, camping, or
24 travel use.

25 (l) "Retail buyer" or "buyer" means a person who buys goods or obtains services from a retail seller in
26 a retail installment transaction and not for the purpose of resale.

27 (m) "Retail charge account agreement" means an instrument in writing prescribing the terms of retail
28 installment transactions that may be made under it from time to time under which a retail seller gives to a retail
29 buyer the privilege of using a credit card issued by the retail seller or any other person or other credit
30 confirmation or identification for the purpose of purchasing goods or services from the retail seller, from the retail

1 seller and any other person, or from a person licensed or franchised by the retail seller and under the terms of
2 which a finance charge may be computed in relation to the buyer's average daily balance in the account during
3 the billing cycle or the buyer's balance from time to time.

4 (n) "Retail installment contract" or "contract" means an agreement evidencing a retail installment
5 transaction entered into in this state under which a buyer promises to pay in one or more deferred installments
6 the time sale price of goods or services, or both. The term includes a chattel mortgage, a conditional sales
7 contract, and a contract for the bailment or leasing of goods by which the bailee or lessee contracts to pay as
8 compensation for its use a sum substantially equivalent to or in excess of its value and by which it is agreed that
9 the bailee or lessee is bound to become, or for no further or a merely nominal consideration has the option of
10 becoming, the owner of the goods upon full compliance with the provisions of the contract.

11 (o) "Retail installment transaction" means a written contract to sell or furnish, or the sale or furnishing
12 of, goods or services by a retail seller to a retail buyer pursuant to a retail charge account agreement or under
13 a retail installment contract.

14 (p) "Retail seller" or "seller" means a person who sells goods or furnishes services to a retail buyer in
15 a written retail installment contract or written retail installment transaction.

16 (q) (i) "Sales finance company" means a person engaged, in whole or in part, in the business of
17 purchasing retail installment contracts from one or more sellers. The term includes but is not limited to a bank,
18 trust company, investment company, or savings and loan association, if engaged in purchasing retail installment
19 contracts.

20 (ii) The term does not include a person who makes only isolated purchases of retail installment contracts
21 that are not being made in the course of repeated and successive purchases of retail installment contracts from
22 the same seller.

23 (r) "Services" means work, labor, and services furnished in the delivery, installation, servicing, repair,
24 or improvement of goods.

25 (s) "Time sale price" means the total of the cash sale price of the goods or services and the amount,
26 if any, included for insurance and other benefits, if a separate identified charge is made for insurance and
27 benefits, and the amounts of the official fees and the finance charge.

28 (2) (a) This part does not apply to the lending of money by banks or other lending institutions and
29 securing loans by chattel mortgages of goods in the ordinary course of lending by those banks or other lending
30 institutions.

(b) This part applies to the extension of credit by those banks or other lending institutions under retail installment contracts or credit cards issued by those banks or other lending institutions."

Section 8. Section 61-1-319, MCA, is amended to read:

"61-1-319. Wholesaler. "Wholesaler" means a person, firm, partnership, association, or corporation who for a commission or with intent to make a profit or gain of money or other thing of value sells, exchanges, or attempts to negotiate a sale or exchange of an interest in a used motor vehicle, recreational vehicle, trailer, semitrailer, special mobile equipment, or motorcycle, ~~or quadricycle~~ only to motor vehicle dealers and auto auctions licensed under this part."

Section 9. Section 61-1-514, MCA, is amended to read:

"61-1-514. Retail sale. (1) "Retail sale" means the sale of a new motor vehicle or used motor vehicle, a recreational vehicle, a trailer, a motorcycle, ~~a quadricycle~~, or special mobile equipment by a dealer to a person for purposes other than resale.

(2) For purposes of chapter 4, part 1, of this title, retail sale does not mean a sale that is the result of a transfer between a dealer, wholesaler, or auto auction and another dealer, wholesaler, or auto auction."

Section 10. Section 61-3-303, MCA, is amended to read:

"61-3-303. Registration -- process -- fees. (1) A Montana resident who owns a motor vehicle operated or driven upon the public highways of this state shall register the motor vehicle in the office of the county treasurer in the county where the owner permanently resides or, if the vehicle is owned by a corporation or used primarily for commercial purposes, in the county where the vehicle is permanently assigned.

(2) (a) Except as provided in subsection (3), the county treasurer shall register any vehicle for which:

(i) as of the date that the vehicle is to be registered, the owner delivers an application for a certificate of title to the department, its authorized agent, or a county treasurer; or

(ii) the county treasurer confirms that the department has an electronic record of title for the vehicle as provided under 61-3-101.

(b) To register a vehicle, the county treasurer shall update the electronic record of title maintained by the department under 61-3-101 by entering the fees paid and recording any changes to the recorded data.

(3) (a) A county treasurer shall register a motor vehicle for which a certificate of title and registration

1 were issued in another jurisdiction and for which registration is required under 61-3-701 after the county
2 treasurer examines the current out-of-jurisdiction registration certificate or receipt and receives payment of the
3 fees required in 61-3-701. The county treasurer may ask the vehicle owner to provide additional information,
4 prescribed by the department, to ensure that the electronic record of registration maintained by the department
5 is complete.

6 (b) A county treasurer may register a motor vehicle for which the new owner cannot present the
7 previously issued certificate of title only as authorized by the department under 61-3-342.

8 (4) The department or the county treasurer shall determine the amount of fees, including local option
9 taxes or fees, to be collected at the time of registration for each light vehicle subject to a registration fee under
10 61-3-560 through 61-3-562 and for each bus, truck having a manufacturer's rated capacity of more than 1 ton,
11 and truck tractor subject to a fee in lieu of tax under 61-3-529. The county treasurer shall collect the registration
12 fee, other appropriate fees, and local option taxes or fees, if applicable, on each motor vehicle at the time of its
13 registration.

14 (5) A person who seeks to register a motor vehicle, except a mobile home or a manufactured home as
15 those terms are defined in 15-1-101(1), shall pay to the county treasurer:

16 (a) the registration fee, as provided in 61-3-311 and 61-3-321 or 61-3-456;

17 (b) except as provided in 61-3-456 or unless it has been previously paid, the motor vehicle fees in lieu
18 of tax or registration fees under 61-3-560 through 61-3-562 imposed against the vehicle for the current year of
19 registration and the immediately previous year; and

20 (c) a donation of \$1 or more if the person has indicated on the application that the person wishes to
21 donate to promote awareness and education efforts for procurement of organ and tissue donations in Montana
22 to favorably impact anatomical gifts; and

23 (d) a donation of \$1 or more if the person has indicated on the application that the person wishes to
24 donate to promote education on, support for, and awareness of traumatic brain injury.

25 (6) The county treasurer may not issue a registration receipt or license plates for the vehicle to the
26 owner unless the owner makes the payments required by subsection (5). Except as provided in 61-3-560
27 through 61-3-562, the department may not assess or impose and the county treasurer may not collect taxes or
28 fees for a period other than:

29 (a) the current year; and

30 (b) except as provided in subsection (9), the immediately preceding year if the vehicle was not

1 registered or operated on the highways of the state, regardless of the period of time since the vehicle was
2 previously registered or operated.

3 (7) The department may make full and complete investigation of the registration status of the vehicle.
4 A person seeking to register a motor vehicle under this section shall provide additional information to support
5 the registration to the department if requested.

6 (8) Revenue that accrues from the voluntary donation provided in subsection (5)(c) must be forwarded
7 by the respective county treasurer to the department of revenue for deposit in the state special revenue fund to
8 the credit of an account established by the department of public health and human services to support activities
9 related to awareness and education efforts for procurement of organ and tissue donations for anatomical gifts.

10 (9) (a) Except as provided in subsection (9)(b), the fees in lieu of tax, taxes, and fees imposed on or
11 collected from the registration of a travel trailer, a motorcycle, ~~or quadricycle~~ or a trailer, pole trailer, or semitrailer
12 that has a declared weight of less than 26,000 pounds are required to be paid only once during the time that the
13 vehicle is owned by the same person who registered the vehicle. Once registered, a vehicle described in this
14 subsection (9)(a) is registered permanently unless ownership of the vehicle is transferred.

15 (b) Whenever ownership of a vehicle described in subsection (9)(a) is transferred, the new owner is
16 required to register the vehicle as if it were being registered for the first time, including paying all of the required
17 fees in lieu of tax, taxes, and fees.

18 (10) Revenue that accrues from the voluntary donation provided in subsection (5)(d) must be forwarded
19 by the respective county treasurer to the department of revenue for deposit in the state special revenue fund to
20 the credit of the account established in 2-15-2218 to support activities related to education regarding prevention
21 of traumatic brain injury."

22
23 **Section 11.** Section 61-3-321, MCA, is amended to read:

24 **"61-3-321. Registration fees of vehicles -- certain vehicles exempt from registration fees --**
25 **disposition of fees.** (1) Except as otherwise provided in this section, registration fees must be paid upon
26 registration or, if applicable, reregistration of motor vehicles, trailers, and semitrailers, in accordance with this
27 chapter, as follows:

28 (a) light vehicles under 2,850 pounds, ~~\$13.75 in calendar year 2004 and, in each subsequent year,~~ \$17;

29 (b) trailers with a declared weight of less than 2,500 pounds and semitrailers, \$8.25. For a trailer or
30 semitrailer described in 61-3-530(1), this fee is a one-time fee, except upon transfer of ownership of the trailer

1 or semitrailer.

2 (c) motor vehicles registered pursuant to 61-3-411 that are:

3 (i) 2,850 pounds and over, \$10; and

4 (ii) under 2,850 pounds, \$5;

5 (d) off-highway vehicles registered pursuant to 23-2-817, ~~\$9 in calendar year 2004 and, in each~~
6 ~~subsequent year, \$19.25~~. This fee is a one-time fee, except upon transfer of ownership of an off-highway
7 vehicle.

8 (e) light vehicles over 2,850 pounds, trucks and buses less than 1 ton, and heavy trucks in excess of
9 1 ton, ~~\$18.75 in calendar year 2004 and, in each subsequent year, \$22~~;

10 (f) logging trucks less than 1 ton, \$23.75;

11 (g) motor homes, \$22.25;

12 (h) motorcycles ~~and quadricycles~~, \$9.75 for a motorcycle ~~or quadricycle~~ with special license plates
13 issued under 61-3-415 and, for a motorcycle ~~or quadricycle~~ under one-time registration, ~~\$9.75 in calendar year~~
14 ~~2004 and, in each subsequent year, \$11.25~~. This fee is a one-time fee, except upon transfer of ownership of a
15 motorcycle ~~or quadricycle~~.

16 (i) trailers and semitrailers between 2,500 and 6,000 pounds, \$11.25. For a trailer or semitrailer
17 described in 61-3-530(1), this fee is a one-time fee, except upon transfer of ownership of the trailer or semitrailer.

18 (j) trailers and semitrailers in excess of 6,000 pounds, other than trailers and semitrailers registered in
19 other jurisdictions and registered through a proportional registration agreement, \$16.25. For a trailer or
20 semitrailer described in 61-3-530(1), this fee is a one-time fee, except upon transfer of ownership of the trailer
21 or semitrailer.

22 (k) travel trailers, \$11.75. This fee is a one-time fee, except upon transfer of ownership of a travel trailer.

23 (l) recreational vehicles, ~~\$3.50 in calendar year 2004 and, in each subsequent year, \$9.75~~. If the
24 recreational vehicle is a travel trailer, this fee is a one-time fee, except upon transfer of ownership of a travel
25 trailer.

26 (2) (a) Except as provided in subsection (2)(b), if a motor vehicle, trailer, or semitrailer is originally
27 registered 6 months after the time of registration as set by law, the registration fee for the remainder of the year
28 is one-half of the regular fee.

29 (b) For a trailer or semitrailer described in 61-3-530(1), the applicable fees must be paid regardless of
30 when the fees were last paid or if the fees were paid at all.

(3) An additional fee of \$5 for a motorcycle or quadricycle with special license plates issued under 61-3-415 and, for a motorcycle or quadricycle under one-time registration, ~~\$5 in calendar year 2004 and, in each subsequent year,~~ \$16 must be collected for the registration of each motorcycle as a safety fee and must be deposited in the state motorcycle safety account provided for in 20-25-1002.

(4) A fee of \$5 for each set of new number plates must be collected when number plates provided for under 61-3-332(2) are issued.

(5) The provisions of this part with respect to the payment of registration fees do not apply to and are not binding upon motor vehicles, trailers, semitrailers, or tractors owned or controlled by the United States of America or any state, county, city, or special district, as defined in 18-8-202.

(6) (a) Except as provided in 61-3-562 and subsection (6)(b) of this section, a fee of 25 cents a year for each registration of a vehicle must be collected when a vehicle is registered or reregistered. The revenue derived from this fee must be forwarded by the county treasurer for deposit in the state general fund for transfer to the credit of the senior citizens and persons with disabilities transportation services account provided for in 7-14-112.

(b) The following vehicles are not subject to the fee imposed in subsection (6)(a):

(i) trailers and semitrailers registered in other jurisdictions and registered through a proportional registration agreement; and

(ii) travel trailers, recreational vehicles, and off-highway vehicles registered pursuant to 23-2-817.

(7) (a) Except as provided in 61-3-562 and subsection (7)(b) of this section, a fee of 50 cents a year for each registration of a vehicle must be collected when a vehicle is registered or reregistered. The county treasurer shall forward revenue derived from this fee to the state for deposit in the general fund.

(b) The following vehicles are not subject to the fee:

(i) trailers and semitrailers registered in other jurisdictions and registered through a proportional registration agreement;

(ii) off-highway vehicles registered pursuant to 23-2-817; and

(iii) vehicles bearing license plates described in 61-3-458(3)(d).

(8) The provisions of this section relating to the payment of registration fees or new number plate fees do not apply when number plates are transferred to a replacement vehicle under 61-3-317, 61-3-332, or 61-3-335.

(9) A person eligible for a waiver under 61-3-460 is exempt from the fees required under this section.

(10) Except as otherwise provided in this section, revenue collected under this section must be deposited in the state general fund.

(11) (a) Unless a person exercises the option in subsection (11)(b), an additional fee of \$4 must be collected for each light vehicle or truck under 8,001 pounds GVW registered for licensing pursuant to this part. The fee must be deposited in the state general fund to be used for state parks, for fishing access sites, and for the operation of state-owned facilities as provided in 15-1-122(3)(c)(vii).

(b) A person who registers a light vehicle or truck under 8,001 pounds GVW may, at the time of annual registration, certify that the person does not intend to use state parks and fishing access sites and may make a written election not to pay the additional \$4 fee provided for in subsection (11)(a). If a written election is made, the fee may not be collected."

Section 12. Section 61-3-332, MCA, is amended to read:

"61-3-332. Number plates. (1) A motor vehicle that is driven upon the streets or highways of Montana must display both front and rear number plates, bearing the distinctive number assigned to the vehicle.

(2) In addition to special license plates, collegiate license plates, and generic specialty license plates authorized under this chapter, a separate series of number plates must be issued, in the manner specified, for each of the following vehicle or dealer types:

(a) passenger vehicles, including automobiles, vans, and sport utility vehicles;

(b) motorcycles ~~and quadricycles~~, bearing the letters "MC" or "CYCLE";

(c) trucks, bearing the letter "T" or the word "TRUCK";

(d) trailers, bearing the letters "TR" or the word "TRAILER";

(e) dealers of new, or new and used, motor vehicles, including trucks and trailers, bearing the letter "D" or the word "DEALER";

(f) dealers of used motor vehicles only, including trucks and trailers, bearing the letters "UD" or the letter "U" and the word "DEALER";

(g) dealers of motorcycles ~~or quadricycles~~, bearing the letters "MCD" or the letters "MC" and the word "DEALER";

(h) dealers of trailers or semitrailers, bearing the letters "DTR" or the letters "TR" and the word "DEALER"; and

(i) dealers of recreational vehicles, bearing the letters "RV" or the letter "R" and the word "DEALER".

1 (3) (a) Except as provided in 61-3-479 and subsections (3)(b), (4)(c), and (4)(d) of this section, all
2 number plates for motor vehicles must be issued for a minimum period of 4 years, bear a distinctive marking,
3 and be furnished by the department. In years when number plates are not issued, the department shall provide
4 a registration decal that must be affixed to the rear license plate of the vehicle.

5 (b) For light vehicles that are permanently registered as provided in 61-3-527 or 61-3-315 and 61-3-562
6 and vehicles described in 61-3-303(9) that are permanently registered, the department shall provide a distinctive
7 registration decal indicating that the vehicle is permanently registered. The registration decal must be affixed
8 to the rear license plate of the permanently registered vehicle.

9 (4) (a) Subject to the provisions of this section, the department shall create a new design for number
10 plates as provided in this section, and it shall manufacture the newly designed number plates for issuance after
11 December 31, 2005, to replace at renewal, as required in 61-3-312 and 61-3-314, number plates that were
12 displayed on motor vehicles before that date.

13 (b) Beginning January 1, 2006, the department shall manufacture and issue new number plates after
14 the existing plates have been used for a minimum period of 4 years.

15 (c) A light vehicle that is registered for a 24-month period, as provided in 61-3-315 and 61-3-560, may
16 display the number plate and plate design in effect at the time of registration for the entire 24-month registration
17 period.

18 (d) A light vehicle described in subsection (3)(b) that is permanently registered may display the number
19 plate and plate design in effect at the time of registration for the entire period that the vehicle is permanently
20 registered.

21 (5) For passenger vehicles and trucks, plates must be of metal 6 inches wide and 12 inches in length.
22 Except for generic specialty license plates, the outline of the state of Montana must be used as a distinctive
23 border on the license plates, and the word "Montana" must be placed on each plate. Registration plates must
24 be treated with a reflectorized background material according to specifications prescribed by the department.

25 (6) The distinctive registration numbers must begin with a number one or with a letter-number
26 combination, such as "A 1" or "AA 1", or any other similar combination of letters and numbers. Except for special
27 license plates, collegiate license plates, and generic specialty license plates, the distinctive registration number
28 or letter-number combination assigned to the vehicle must appear on the plate preceded by the number of the
29 county and appearing in horizontal order on the same horizontal baseline. The county number must be
30 separated from the distinctive registration number by a separation mark unless a letter-number combination is

1 used. The dimensions of the numerals and letters must be determined by the department, and all county and
2 registration numbers must be of equal height.

3 (7) For the use of exempt motor vehicles and motor vehicles that are exempt from the registration fee
4 as provided in 61-3-560(2)(a), in addition to the markings provided in this section, number plates must bear the
5 following distinctive markings:

6 (a) For vehicles owned by the state, the department may designate the prefix number for the various
7 state departments. All numbered plates issued to state departments must bear the words "State Owned", and
8 a year number may not be indicated on the plates because these numbered plates are of a permanent nature
9 and will be replaced by the department only when the physical condition of numbered plates requires it.

10 (b) For vehicles that are owned by the counties, municipalities, and special districts, as defined in
11 18-8-202, organized under the laws of Montana and not operating for profit, and that are used and operated by
12 officials and employees in the line of duty and for vehicles on loan from the United States government or the
13 state of Montana to, or owned by, the civil air patrol and used and operated by officials and employees in the
14 line of duty, there must be placed on the number plates assigned, in a position that the department may
15 designate, the letter "X" or the word "EXEMPT". Distinctive registration numbers for plates assigned to motor
16 vehicles of each of the counties in the state and those of the municipalities and special districts that obtain plates
17 within each county must begin with number one and be numbered consecutively. Because these number plates
18 are of a permanent nature, they are subject to replacement by the department only when the physical condition
19 of the number plates requires it and a year number may not be displayed on the number plates.

20 (8) Number plates issued to a passenger vehicle, truck, trailer, or motorcycle, ~~or quadricycle~~ may be
21 transferred only to a replacement passenger vehicle, truck, trailer, or motorcycle, ~~or quadricycle~~. A registration
22 fee may not be assessed upon a transfer of a number plate under 61-3-317 and 61-3-335.

23 (9) For the purpose of this chapter, the several counties of the state are assigned numbers as follows:
24 Silver Bow, 1; Cascade, 2; Yellowstone, 3; Missoula, 4; Lewis and Clark, 5; Gallatin, 6; Flathead, 7; Fergus, 8;
25 Powder River, 9; Carbon, 10; Phillips, 11; Hill, 12; Ravalli, 13; Custer, 14; Lake, 15; Dawson, 16; Roosevelt, 17;
26 Beaverhead, 18; Chouteau, 19; Valley, 20; Toole, 21; Big Horn, 22; Musselshell, 23; Blaine, 24; Madison, 25;
27 Pondera, 26; Richland, 27; Powell, 28; Rosebud, 29; Deer Lodge, 30; Teton, 31; Stillwater, 32; Treasure, 33;
28 Sheridan, 34; Sanders, 35; Judith Basin, 36; Daniels, 37; Glacier, 38; Fallon, 39; Sweet Grass, 40; McCone, 41;
29 Carter, 42; Broadwater, 43; Wheatland, 44; Prairie, 45; Granite, 46; Meagher, 47; Liberty, 48; Park, 49; Garfield,
30 50; Jefferson, 51; Wibaux, 52; Golden Valley, 53; Mineral, 54; Petroleum, 55; Lincoln, 56. Any new counties must

1 be assigned numbers by the department as they are formed, beginning with the number 57.

2 (10) Each type of special license plate approved by the legislature, except collegiate license plates
3 authorized in 61-3-463 and generic specialty license plates authorized in 61-3-472 through 61-3-481, must be
4 a separate series of plates, numbered as provided in subsection (6), except that the county number must be
5 replaced by a nonremovable design or decal designating the group or organization to which the applicant
6 belongs. Unless otherwise specifically stated in this section, the special plates are subject to the same rules and
7 laws as govern the issuance of regular license plates, must be placed or mounted on a vehicle owned by the
8 person who is eligible to receive them, with the registration decal affixed to the rear license plate of the vehicle,
9 and must be removed upon sale or other disposition of the vehicle.

10 (11) A Montana resident who is eligible to receive a special parking permit under 49-4-301 may, upon
11 written application on a form prescribed by the department, be issued a special license plate with a design or
12 decal bearing a representation of a wheelchair as the symbol of a person with a disability. If the vehicle to which
13 the license plate is attached is permanently registered, the owner of the vehicle shall maintain evidence of
14 continued eligibility to use the license plate, which must be attached to the registration document in the vehicle.

15 (12) The provisions of this section do not apply to a motor vehicle, trailer, or semitrailer that is registered
16 as part of a fleet, as defined in 61-3-712, and that is subject to the provisions of 61-3-711 through 61-3-733."
17

18 **Section 13.** Section 61-3-402, MCA, is amended to read:

19 **"61-3-402. Personalized license plates authorized.** Any person who is the registered owner of a
20 motor vehicle, a truck, motor home, camping trailer, motorcycle, ~~quadricycle~~, or other vehicle for the owner's
21 personal use registered with the department or who makes application for original registration of a motor vehicle
22 may upon payment of the fee prescribed in 61-3-406 apply to the department for personalized license plates in
23 the manner prescribed in 61-3-405; ~~which~~ The plates shall must be affixed to the motor vehicle for which
24 registration is sought in lieu of the regular license plates provided for in this chapter."
25

26 **Section 14.** Section 61-3-403, MCA, is amended to read:

27 **"61-3-403. Color and design of personalized license plates -- exception -- county designation.**
28 (1) Except as provided in 61-3-466, the personalized license plates must be the same color and design as
29 regular passenger motor vehicle license plates and must consist of numbers or letters, or any combination
30 ~~thereof of numbers or letters~~, not exceeding eight positions and not less than two positions, provided that there

1 are no conflicts with existing passenger, commercial, trailer, motorcycle, ~~quadricycle~~, or special license plate
2 series under this title.

3 (2) Upon the issuance of personalized license plates or upon the reregistration of any motor vehicle
4 assigned personalized license plates that do not bear a county designation or no longer bear the correct county
5 designation, the department shall provide nonremovable stickers bearing the appropriate county designation,
6 which must be affixed to the license plates in use in accordance with instructions by the department."
7

8 **Section 15.** Section 61-3-415, MCA, is amended to read:

9 **"61-3-415. Special motorcycle license plates -- department to design -- fees -- distribution.** (1) A
10 Montana resident who is the owner of a motorcycle ~~or quadricycle~~ titled and registered under this chapter and
11 who pays the fee required under subsection (2) may be issued a set of special motorcycle license plates bearing
12 a design created by the department. The design must recognize the efforts of one or more Montana-based
13 nonprofit organizations that grant wishes to chronically or critically ill Montana children.

14 (2) A person requesting a set of special motorcycle license plates under this section shall pay to the
15 county treasurer:

16 (a) an administrative fee of \$5 upon initial issuance of the special license plates; and

17 (b) an annual donation fee of \$20 upon initial issuance, renewal, or transfer of the special license plates.

18 (3) The county treasurer shall remit the fees required in subsection (2) to the department of revenue.
19 For each set of plates issued, the department of revenue shall deposit \$5 in the state general fund and \$20 in
20 an account in the state special revenue fund to be used by the department as provided in subsection (4).

21 (4) The department shall use the money deposited in the account in the state special revenue fund as
22 provided in subsection (3) to provide grants, using criteria established by the department, to Montana-based
23 nonprofit organizations that grant wishes to Montana children who are chronically or critically ill.

24 (5) The department shall adopt rules to identify the entity or entities that may qualify for grants under
25 this section and to establish the criteria that an entity must meet to receive grant funds.

26 (6) The account in the state special revenue fund provided for in subsection (3) is statutorily
27 appropriated to the department, as provided in 17-7-502."
28

29 **Section 16.** Section 61-3-479, MCA, is amended to read:

30 **"61-3-479. Issuance of generic specialty license plates -- qualifications.** (1) (a) Except as provided

1 in subsection (1)(b), the department shall issue a set of generic specialty license plates to a person who applies
2 for a particular style of generic specialty license plates and pays the donation fee established by the plate
3 sponsor and the administrative fee required in 61-3-480.

4 (b) If the sponsor of a generic specialty license plate is not listed on the county collection report
5 published by the department of revenue and required under 15-1-504 as of the initial distribution date for the sale
6 of the sponsor's plates, the department shall require the sponsor to collect the initial donation fee from, and issue
7 a special certificate of registration to, a person who is eligible to receive the sponsor's generic specialty license
8 plates. The person shall present the special certificate of registration upon application for the generic specialty
9 license plates.

10 (2) A set of generic specialty license plates may be issued for any vehicle, except a trailer of any size;
11 ~~or a motorcycle, or a quadricycle.~~

12 (3) (a) Except as provided in 61-3-472 through 61-3-481 and 61-3-562, a person who receives generic
13 specialty license plates is subject to the same rules and laws as those that govern number plates.

14 (b) Except as provided in 61-3-472 through 61-3-481 and 61-3-562, the department is subject to the
15 same rules and laws that govern the issuance of number plates.

16 (c) Generic specialty license plates issued under 61-3-472 through 61-3-481 are not subject to any
17 maximum issuance or use limitation that may be imposed on number plates.

18 (4) A person may combine an application for a generic specialty license plate with an application for
19 a license plate with a design bearing a representation of a wheelchair as the symbol of a person with a disability
20 as provided in 61-3-332(11)."

21
22 **Section 17.** Section 61-3-481, MCA, is amended to read:

23 **"61-3-481. Generic specialty license plates -- restrictions on use.** (1) Generic specialty license
24 plates may be issued by the department in conjunction with the registration of any vehicle, except a trailer of any
25 size; ~~or a motorcycle, or a quadricycle.~~ The department may not issue generic specialty license plates without
26 the motor vehicle having been registered.

27 (2) Generic specialty license plates may be used only as the official number plates for a motor vehicle."

28
29 **Section 18.** Section 61-3-509, MCA, is amended to read:

30 **"61-3-509. Disposition of fees.** All registration fees imposed by 61-3-561 from light vehicles, all

1 registration fees imposed by 61-3-522 from motor homes, all fees in lieu of tax imposed by 61-3-527 from
2 motorcycles ~~and quadricycles~~, and all fees imposed by 61-3-529 from buses, motor vehicles having a
3 manufacturer's rated capacity of more than 1 ton, and truck tractors, for which a license is sought and an original
4 application for title that includes a manufacturer's statement of origin is made, must be remitted to the
5 department of revenue every 30 days. The department of revenue shall credit the payments to the state general
6 fund."

7
8 **Section 19.** Section 61-3-527, MCA, is amended to read:

9 **"61-3-527. One-time fee in lieu of tax for motorcycles and quadricycles -- permanent registration.**

10 (1) (a) There is a one-time fee in lieu of property tax of ~~\$20 in calendar year 2004 and, in each subsequent year,~~
11 \$40 imposed on motorcycles ~~and quadricycles~~ that are subject to one-time registration. The fee is in addition
12 to registration fees.

13 (b) The fee imposed by subsection (1)(a) is not required to be paid by a dealer for motorcycles ~~or~~
14 quadricycles that constitute inventory of the dealership.

15 (2) The owner of a motorcycle ~~or quadricycle~~ with special license plates issued under 61-3-415 shall
16 pay an annual fee based on the age of the motorcycle ~~or quadricycle~~ and the size of the engine, according to
17 the following schedule:

18 (a) The fee schedule for a motorcycle ~~or quadricycle~~ with an engine that measures from 1 cubic
19 centimeter to 600 cubic centimeters is as follows:

- 20 (i) less than 5 years old, \$30;
21 (ii) 5 years old but less than 11 years old, \$15; and
22 (iii) 11 years old and older, \$6.

23 (b) The fee schedule for a motorcycle ~~or quadricycle~~ with an engine that measures from 601 cubic
24 centimeters to 1,000 cubic centimeters is as follows:

- 25 (i) less than 5 years old, \$55;
26 (ii) 5 years old but less than 11 years old, \$20; and
27 (iii) 11 years old and older, \$6.

28 (c) The fee schedule for a motorcycle ~~or quadricycle~~ with an engine that measures 1,001 cubic
29 centimeters and larger is as follows:

- 30 (i) less than 5 years old, \$90;

1 (ii) 5 years old but less than 11 years old, \$50; and

2 (iii) 11 years old and older, \$6.

3 (3) (a) Except as provided in subsection (3)(b), the age of a motorcycle or quadricycle is determined
4 by subtracting the manufacturer's designated model year from the current calendar year.

5 (b) If the purchase year of a motorcycle or quadricycle precedes the designated model year of the
6 motorcycle or quadricycle and the motorcycle or quadricycle is originally titled in Montana, then the purchase
7 year is considered the model year for the purposes of calculating the fee in lieu of tax.

8 (4) A person who registers a motorcycle or quadricycle as provided in this section shall pay an additional
9 one-time fee of \$1.25 at the time of registration for deposit in the state general fund. The department shall pay
10 from the general fund an amount equal to the \$1.25 fee collected under this subsection from each vehicle
11 registration to the pension trust fund for payment of supplemental benefits provided for in 19-6-709.

12 (5) Whenever a transfer of ownership of a motorcycle or quadricycle occurs, the one-time fees required
13 under this section must be paid by the new owner. (Subsection (4) terminates on occurrence of
14 contingency--sec. 24, Ch. 191, L. 2001.)"

15
16 **Section 20.** Section 61-4-101, MCA, is amended to read:

17 **"61-4-101. Dealer's license -- types of licenses and terms -- plates -- bonds -- zoning.** (1) Except
18 as provided in 61-4-125, a person may not engage in the business of buying, selling, exchanging, accepting on
19 consignment, or acting as a broker of a new motor vehicle or used motor vehicle, new or used recreational
20 vehicle, trailer (except a trailer having an unloaded weight of less than 500 pounds), motorcycle, quadricycle,
21 or special mobile equipment that is not registered in the person's name, unless the person is the holder of a
22 dealer's license issued by the department under this part.

23 (2) (a) The department is authorized to issue a dealer's license for one or more specified vehicle types
24 to any person it determines is qualified to hold a license under the provisions of this section. A dealer's license
25 may be issued for, and restricted to, one or more of the following vehicle types:

26 (i) new motor vehicle;

27 (ii) used motor vehicle;

28 (iii) new recreational vehicle;

29 (iv) used recreational vehicle;

30 (v) trailer or special mobile equipment; or

1 (vi) motorcycle ~~or quadricycle~~.

2 (b) The department shall design and issue dealer and demonstrator plates as provided in 61-4-102 and
3 61-4-129.

4 (c) With the exception of a licensed new motor vehicle dealer, a dealer licensed for a particular type of
5 vehicle may sell, trade, or accept on consignment only vehicles of the type for which the license is authorized,
6 unless the dealer's license specifically refers to more than one vehicle type, such as a motorcycle ~~or quadricycle~~
7 license. A new motor vehicle dealer is authorized to sell, trade, or accept on consignment new motor vehicles
8 or used motor vehicles.

9 (d) Subject to the provisions of 61-4-124, a dealer's license issued by the department is valid until:

10 (i) voluntarily returned to the department for surrender and cancellation upon the cessation of the
11 dealer's business operations; or

12 (ii) suspended or revoked for a violation of this chapter or any other laws relating to the sale of motor
13 vehicles.

14 (3) (a) An applicant for a dealer's license shall submit a written application for a dealer's license to the
15 department, specifying the type or types of dealer's license sought. The application must be signed by the
16 applicant and contain a verification by the applicant, under penalty of law, that the information contained in the
17 application is true and correct. Any information provided in the license application process is subject to
18 independent verification by the department or an authorized representative of the department.

19 (b) After examining a license application and conducting an investigation necessary to verify the
20 information contained in the application and if the department is satisfied that the applicant qualifies for the
21 issuance of a license under the provisions of this chapter, the department may issue the license. The department
22 may refuse, after examination and investigation, to issue a license to an applicant who is not qualified for
23 licensure or whose prior financial or other activities or criminal record, as determined by the department:

24 (i) poses a threat to the effective regulation of dealers, wholesalers, or auto auctions;

25 (ii) poses a threat to the public interest of the state; or

26 (iii) creates a danger of illegal or deceptive practices being used in the conduct of the proposed
27 dealership, wholesaler, or auto auction.

28 (4) To be qualified for licensure as a dealer, an applicant shall provide to the department the following:

29 (a) the name under which the applicant intends to conduct business and the name, address, date of
30 birth, and social security number of any person who possesses or will possess an ownership interest in the

1 business for which the license is sought. If the applicant is a corporation, the personal information required in
2 this subsection (4)(a) must be provided for each corporate officer and the person designated by the corporation
3 to manage or oversee the dealership.

4 (b) for each person subject to the provisions of subsection (4)(a), information concerning whether the
5 person has:

6 (i) an ownership interest in a vehicle dealership or a wholesaler business in Montana or another
7 jurisdiction and, if so, the name and address of each dealership or wholesaler; and

8 (ii) been found guilty of, or pleaded guilty to, a felony in this or any other jurisdiction and, if so, shall
9 provide a summary of the conduct resulting in the felony charge, including the dates of the conduct and any court
10 proceedings pertaining to the conduct and the name and address of any court in which the matter was heard;

11 (c) the name, address, and telephone number of the insurance carrier from whom the applicant has
12 acquired general liability insurance, naming the department as a certificate holder of the policy, and the name,
13 address, and telephone number of the local insurance agent for the carrier and the applicant's policy number.
14 The insurance must cover any vehicle bearing dealer or demonstrator license plates that is offered for
15 demonstration or loan to, or otherwise operated by, a customer in the regular course of the applicant's business
16 and must be for a minimum of 1 year;

17 (d) the geographic location of the physical lot or lots upon which vehicles will be displayed for sale and
18 of a permanent nonresidential building that will be maintained to store the actual physical or electronic records
19 resulting from the purchase, sale, trade, or consignment of vehicles for which licensure is sought. An applicant
20 may use more than one location to display vehicles for sale if the maximum distance between each display lot
21 does not exceed 200 feet and if the distance between a display lot and the building in which vehicle sales
22 records are stored does not exceed 1,000 feet.

23 (e) for each geographic location specified in the application, evidence of the applicant's compliance with
24 applicable local land use planning, zoning, and business permitting requirements, if any. Evidence of compliance
25 may be documented by means of a written verification of compliance signed by the authorized representative
26 of the local land use planning or zoning board or the local business permitting agency.

27 (f) a diagram or plat showing the geographic location, lot dimensions, and building and sign placement
28 for the applicant's proposed established place of business, along with two or more photographs of the
29 geographic location, building premises, and sign, as prescribed by the department;

30 (g) a certification by the applicant that the applicant is a bona fide dealer in new motor vehicles, used

motor vehicles, used recreational vehicles, trailers, motorcycles, ~~quadricycles~~, or special mobile equipment;

(h) if the applicant is seeking a new motor vehicle dealer's license:

(i) the name and address of the manufacturer, importer, or distributor with whom the applicant has a written new motor vehicle franchise or sales agreement and the name and make of all motor vehicles to be handled by the applicant;

(ii) the geographic location or locations, specified in writing, upon which the applicant will provide and maintain a permanent building to display and sell new motor vehicles and offer and maintain a bona fide service department for the repair, service, and maintenance of the motor vehicles; and

(iii) verification that the applicant otherwise meets the requirements of part 2 of this chapter; and

(i) if the applicant is applying for a new recreational vehicle dealer's license, certification that the person is recognized by a manufacturer, importer, or distributor as a dealer in new recreational vehicles.

(5) If an applicant for a new motor vehicle or used motor vehicle, new or used recreational vehicle, or trailer dealer's license wants to maintain more than one established place of business, the applicant shall file a separate license application for each proposed place of business and otherwise qualify for licensure at each place separately.

(6) Each application under this section must be accompanied by an application fee of \$5 and one or more of the following license fees based on the type of dealer's license being sought:

(a) \$25 for a new motor vehicle dealer's license;

(b) \$25 for a used motor vehicle dealer's license;

(c) \$25 for a new or used recreational vehicle dealer's license; or

(d) \$25 for a motorcycle or trailer dealer's license.

(7) The applicant for a dealer's license shall also file with the application a bond of \$50,000 for a license as a new motor vehicle dealer, a used motor vehicle dealer, a new or used recreational vehicle dealer, or a trailer dealer. Applicants for a motorcycle dealer's license shall file a bond in the sum of \$15,000. All bonds must be conditioned that the applicant shall conduct the business in accordance with the requirements of the law. The bond may extend to any other type of dealer license issued to the applicant at the same geographic location if all types of licenses are indicated on the face of the bond. All bonds must be approved by the department, must be filed in its office, and must be renewed annually."

Section 21. Section 61-4-120, MCA, is amended to read:

"61-4-120. Application for auto auction license -- general regulations. (1) A person that takes

possession of a motor vehicle owned by another person through consignment, bailment, or any other arrangement for the purpose of selling the motor vehicle to the highest bidder when all buyers are licensed motor vehicle dealers, wholesalers, or wrecking facilities shall file by mail or otherwise in the office of the department a verified application for licensure as an auto auction. The application must be made in the following manner:

(a) Each application and all of the information contained in it must be verified by the department or an authorized representative of the department on a form to be furnished by the department for that purpose. The application must provide the following information:

(i) the name in which the business is to be conducted and the location of premises, including street address, city, county, and state, where records are kept, sales are made, and motor vehicle stock is displayed as an established place of business that displays a sign indicating the firm name and that vehicles are offered for sale. The letters on the sign must be clearly visible and readable to the major avenue of traffic at a minimum distance of 150 feet.

(ii) the name and address of all owners or persons having an interest in the business. In the case of a corporation, the names and addresses of the president and secretary are sufficient.

(iii) a statement that the applicant is authorized to auction used motor vehicles, recreational vehicles, trailers, semitrailers, special mobile equipment, and motorcycles, ~~and quadricycles~~ under one license. A licensed auto auction may not auction a new motor vehicle except when authorized by a new motor vehicle manufacturer, importer, distributor, or representative, for the purpose of conducting a closed-factory fleet sale to dispose of new motor vehicles by the franchisor (manufacturer, distributor, or importer) to franchisee purchasers when the purchasers are licensed new motor vehicle dealers purchasing new motor vehicle line-makes authorized by their respective franchise, sales, or distributor agreements. An auto auction licensed under the provisions of this section shall notify and update the department with current fleet sale agreements between the auto auction and franchisor. An auto auction may not conduct a factory fleet sale unless authorized or appointed by a franchisor licensed under part 2 of this chapter.

(b) Each application must be accompanied by a bond of \$50,000 and must be conditioned that the applicant shall conduct business in accordance with the requirements of the law. All bonds must run to the state of Montana, must be approved by the department and filed in its office, and must be renewed annually.

(2) An auto auction's license must be renewed and paid for annually to the department, and an application for relicensure must be filed by January 1 of each year. The fee required for each first-time applicant

1 is \$500 and for subsequent renewal applications is \$100 each year. Upon receipt of a properly completed
2 application, fee, and bond, the department shall issue the auto auction license and assign an auto auction
3 license number for each applicant in a manner determined by the department. Auto auctions dealing in motor
4 vehicles may sell only to licensed dealers and wholesalers.

5 (3) Auto auctions that are licensed under this section and that hold a current license number may issue
6 temporary registration permits, which may be displayed and used by a buyer to operate an unregistered vehicle
7 purchased from the auto auction. The temporary registration permit is valid for a period of 72 hours from the time
8 of purchase and may be used only for the purpose of driving or transporting a vehicle from the auction premises
9 to the purchaser's established place of business or point of destination. Temporary registration permits must be
10 on a form prescribed by the department and must contain the name, address, and license number of the
11 purchaser, the date of sale, the name, address, license number, and authorized signature of the auto auction,
12 and a description of the vehicle, including its serial number. The department shall collect a fee of \$10 from the
13 auto auction for each temporary registration permit, and the auto auction may charge a vehicle purchaser no
14 more than \$10 for the issuance of each temporary registration permit to offset the cost of the temporary
15 registration permit. It is unlawful for the auto auction to issue more than one temporary registration permit for
16 each vehicle sale.

17 (4) A licensed auto auction may apply for and may be authorized by the department to purchase and
18 use license plates of a type and amount approved by the department, upon payment of a fee to the department
19 to offset the cost of production. Licensed auto auctions may use the license plates to transport inventory vehicles
20 to and from a point of storage or a point of delivery in this state and to and from the auto auction's place of
21 business, for road testing authorized vehicles, or for moving vehicles for purposes of repairing, painting,
22 upholstering, polishing, and related activities. One license plate is required to be conspicuously displayed on the
23 rear of the vehicle. Auto auctions may appoint designated persons, service stations, or repair garages to use
24 the license plate only when conducting work for the auto auction involving repairing, painting, upholstering,
25 polishing, or performing similar types of work upon a vehicle. Upon application for an auto auction license, the
26 applicant, if requesting the license plates, shall submit a sworn affidavit on a form prescribed by the department,
27 listing each authorized person designated by the auction to use the license plates. The auto auction is
28 responsible for reporting any changes to the affidavit within 72 hours after the amendment has occurred. An auto
29 auction licensed under the provisions of this section is liable for the proper use of the license plates, which may
30 not be used for private purposes. The department may revoke an auto auction's 72-hour temporary registration

1 permit and license plate privileges if an auction issues, authorizes the use of, or uses a temporary registration
2 permit or the license plate in violation of the provisions of this section.

3 (5) (a) Each auto auction shall keep a book or record, in a form and manner subject to approval by the
4 department, of the purchases, sales, or exchanges or the receipts for the purpose of sale of any motor vehicle,
5 a properly completed copy of a temporary registration permit issued to a vehicle purchaser, the date of title
6 transfer, and a description of the motor vehicle, together with the name and address of the seller, the purchaser,
7 and the alleged owner or other person from whom the motor vehicle was purchased or received or to whom it
8 was sold or delivered. The description in the case of a motor vehicle must include:

9 (i) the vehicle identification number and engine number, if any; and

10 (ii) a statement that a number has been obliterated, defaced, or changed, if it has.

11 (b) An auto auction licensed under this section shall validate the sale of a motor vehicle through its
12 auction by stamping its name and license number upon the certificate of title at a location on the certificate of
13 title, at the margin in the assignment section as executed between the transferor and transferee. An auto
14 auction's stamp must be legible and may not interfere with the information recorded on the certificate of title
15 between the transferor and transferee. If the certificate of title lacks adequate space for the auto auction to place
16 its stamp, the auction may provide the transferee a copy of the auction invoice bearing the:

17 (i) name and license number of the auction, along with an indication of the vehicle year, make, model,
18 and identification number;

19 (ii) name, address, and signature of the transferor;

20 (iii) name, license number, and signature of the transferee; and

21 (iv) date the vehicle was sold through the auction.

22 (c) The invoice must be attached to the certificate of title and must be presented to the department with
23 any application for title.

24 (d) An auto auction shall retain, for 5 years, odometer disclosure information, including the name of the
25 owner on the date the auto auction took possession of the motor vehicle, the name of the buyer, the vehicle
26 identification number, and the odometer reading on the date the auto auction took possession of the motor
27 vehicle. The odometer information may be retained in any way that is systematically retrievable and is not
28 required to be maintained on any special disclosure form. The information may be part of the auction receipt or
29 invoice or be maintained as a portion of a computer database or manual file. An auto auction that executes a
30 transfer of ownership as an agent on behalf of a seller or buyer is liable for providing an odometer disclosure

1 statement for the seller or an odometer disclosure acknowledgment for the buyer under the provisions of
2 61-3-206."

3
4 **Section 22.** Section 61-4-125, MCA, is amended to read:

5 **"61-4-125. Wholesaler's license.** (1) (a) The department is authorized to issue a wholesaler's license
6 to any person it determines is qualified to hold a license under the provisions of this section.

7 (b) A wholesaler is authorized to sell used motor vehicles, used recreational vehicles, trailers,
8 motorcycles, ~~quadricycles~~, or special mobile equipment. However, a wholesaler may sell a vehicle only to a
9 dealer, an auto auction, or another wholesaler. Retail sale of vehicles by a wholesaler is not allowed.

10 (c) A wholesaler's license issued by the department has a term of 1 calendar year, commencing on or
11 after January 1 in the year of issue and expiring on December 31 of the same year.

12 (d) The department shall design and issue wholesaler demonstrator plates of a similar sequence to
13 demonstrator plates issued to dealers but that conspicuously display the term "wholesaler" or the abbreviation
14 "W".

15 (2) To qualify for a wholesaler's license, an applicant shall submit a completed application, in a form
16 prescribed by the department, that provides the following:

17 (a) the name under which the applicant intends to conduct business and the name, address, date of
18 birth, and social security number of any person who possesses or will possess an ownership interest in the
19 business for which the license is sought. If the applicant is a corporation, the personal information required in
20 this subsection (2)(a) must be provided for each corporate officer and the person designated by the corporation
21 to manage or oversee the dealership.

22 (b) for each person subject to the provisions of subsection (2)(a), information concerning whether the
23 person has:

24 (i) an ownership interest in a vehicle dealership or wholesaler business in Montana or another
25 jurisdiction and, if so, the name and address of each dealership or wholesaler; and

26 (ii) been found guilty of, or pleaded guilty to, a felony in this or any other jurisdiction and, if so, the
27 applicant shall provide a summary of the conduct resulting in the felony charge, including the dates of the
28 conduct and any judicial proceeding pertaining to the conduct and the name and address of any court in which
29 the matter was heard;

30 (c) the name, address, and telephone number of the insurance carrier from whom the applicant has

1 acquired general liability insurance, naming the department as a certificate holder under the policy, and the
2 name, address, and telephone number of the local insurance agent for the carrier and the applicant's policy
3 number. The insurance must cover any vehicle bearing a wholesaler demonstrator plate that is offered for
4 demonstration or loan to, or otherwise operated by, a customer in the regular course of the applicant's business
5 and must be for a minimum of 1 year.

6 (d) the street address of the permanent nonresidential building or office where business records will be
7 kept and will be made available for inspection by the department; and

8 (e) a bond of \$50,000 filed with the department on behalf of the applicant. The bond must be
9 conditioned that the applicant shall conduct business in accordance with the requirements of the law. The bond
10 must be approved by the department and subject to annual renewal.

11 (3) The application fee for a wholesaler's license is \$5, and the license fee is \$25. Both fees must
12 accompany an original or renewal wholesaler's license application.

13 (4) Wholesalers may not be issued or use dealer plates, as provided in 61-4-102. However, a
14 wholesaler may be issued and is authorized to display and use a wholesaler demonstrator plate on any type of
15 vehicle that a wholesaler is authorized to sell. The fee for a wholesaler demonstrator plate is \$5. To the extent
16 not inconsistent with this section, use of wholesaler demonstrator plates is otherwise governed by 61-4-129.

17 (5) (a) A wholesaler's license must be renewed annually, and application for renewal must be filed on
18 or before December 31 of the expiring license term.

19 (b) To qualify for renewal of a wholesaler's license, a wholesaler shall submit a completed application,
20 in a form prescribed by the department, updating prior submitted information, as originally supplied under
21 subsection (2).

22 (c) Additionally, the wholesaler shall certify, under penalty of law, that 12 or more vehicles of the type
23 authorized under the license were sold by the wholesaler to a dealer, auto auction, or another wholesaler during
24 the expiring license term. A wholesaler who was licensed for less than a full calendar year in the expiring term
25 shall certify, under penalty of law, to the sale of an average of at least one vehicle a calendar month, or portion
26 of a calendar month, during which the expiring license was in effect.

27 (d) A wholesaler who cannot, under penalty of law, certify the number of vehicle sales required under
28 subsection (5)(c) shall pay a fee of \$25 in addition to the fees required in subsection (3).

29 (6) A wholesaler whose completed renewal application has been received by the department on or
30 before December 31 of the expiring license term may, if necessary, operate the business and display wholesaler

demonstrator plates under the expired license through the last day of February of the following year."

Section 23. Section 61-5-102, MCA, is amended to read:

"61-5-102. Drivers to be licensed. (1) Except as provided in 61-5-104, a person may not drive a motor vehicle upon a highway in this state unless the person has a valid Montana driver's license. A person may not receive a Montana driver's license until the person surrenders to the department all valid driver's licenses issued by any other jurisdiction. A person may not have in the person's possession or under the person's control more than one valid Montana driver's license at any time.

(2) (a) A license is not valid for the operation of a motorcycle ~~or quadricycle~~ unless the holder of the license has completed the requirements of 61-5-110 and the license has been clearly marked with the words "motorcycle endorsement". ~~A motorcycle endorsement is required for the operation of a quadricycle.~~

(b) A license is not valid for the operation of a commercial motor vehicle unless the holder of the license has completed the requirements of 61-5-110, the license has been clearly marked with the words "commercial driver's license", and the license bears the proper endorsement for:

- (i) the specific vehicle type or types being operated; or
- (ii) the passengers or type or types of cargo being transported.

(3) When a city or town requires a licensed driver to obtain a local driving license or permit, a license or permit may not be issued unless the applicant presents a state driver's license valid under the provisions of this chapter."

Section 24. Section 61-5-106, MCA, is amended to read:

"61-5-106. Instruction permits -- traffic education learner licenses and permits -- temporary licenses. (1) The department may issue an instruction permit to a person satisfying the age requirements specified in 61-5-105(1) after the applicant has successfully passed the knowledge test and the vision examination as provided in 61-5-110. An instruction permit entitles the permittee, while in immediate possession of the permit and accompanied by a licensed driver seated beside the permittee, to drive a motor vehicle upon the public highways for a period of 6 months from the date the fees required in 61-5-111 are paid.

(2) The department may issue a traffic education learner license to any person who is at least 14 1/2 years of age and who has successfully completed or is successfully participating in a traffic education course approved by the department and the superintendent of public instruction. A traffic education learner license

entitles the licensee to operate a motor vehicle only when accompanied by an approved instructor or licensed parent or guardian and may be restricted to specific times or areas.

(3) (a) An instructor of a traffic education program approved by the department and by the superintendent of public instruction may issue a traffic education permit that is effective for a school year or more restricted period to an applicant who is enrolled in a traffic education program approved by the department and who meets the age requirements specified in 20-7-503.

(b) When in immediate possession of the traffic education permit, the permittee may operate on a designated highway or within a designated area:

(i) a motor vehicle when an approved instructor is seated beside the permittee; or

(ii) a motorcycle ~~or quadricycle~~ when under the immediate and proximate supervision of an approved instructor.

(4) The department may in its discretion issue a temporary driver's permit to an applicant for a driver's license permitting the applicant to operate a motor vehicle while the department is completing its investigation and determination of all facts relative to the applicant's right to receive a driver's license. The temporary driver's permit must be in the permittee's immediate possession while operating a motor vehicle, and it is invalid when the applicant's license has been issued or for good cause has been refused.

(5) The department may in its discretion issue a temporary commercial driver's license to an applicant permitting the applicant to operate a commercial motor vehicle while the department is completing its investigation and determination of all facts relative to the applicant's right to receive a commercial driver's license. The temporary license must be in the applicant's immediate possession while operating a commercial motor vehicle and is invalid when the applicant's license has been issued or for good cause has been refused.

(6) The department may in its discretion issue a temporary medical assessment and rehabilitation driving permit as provided in 61-5-120."

Section 25. Section 61-5-110, MCA, is amended to read:

"61-5-110. Records check of applicants -- examination of applicants -- cooperative driver testing programs. (1) Prior to examining an applicant for a driver's license, the department shall conduct a check of the applicant's driving record by querying the national driver register, established under 49 U.S.C. 30302, and the commercial driver's license information system, established under 49 U.S.C. 31309.

(2) The department shall examine each applicant for a driver's license or motorcycle endorsement,

1 except as otherwise provided in this section. The examination must include a test of the applicant's eyesight,
2 a knowledge test examining the applicant's ability to read and understand highway signs and the applicant's
3 knowledge of the traffic laws of this state, and, except as provided in 61-5-118, a road test or a skills test
4 demonstrating the applicant's ability to exercise ordinary and reasonable control in the safe operation of a motor
5 vehicle, ~~quadricycle~~, or motorcycle. The knowledge test or road test, or both, may be waived by the department
6 upon certification of the applicant's successful completion of the test by a certified cooperative driver testing
7 program, as provided in subsection (3).

8 (3) The department is authorized to certify as a cooperative driver testing program any state-approved
9 high school traffic education course offered by or in cooperation with a school district that employs an approved
10 instructor who has current endorsement from the superintendent of public instruction as a teacher of traffic
11 education or any motorcycle safety training course approved by the board of regents and that employs an
12 approved instructor of motorcycle safety training and who agrees to:

13 (a) administer standardized knowledge and road tests required by the department to students
14 participating in the district's high school traffic education courses or motorcycle safety training courses approved
15 by the board of regents;

16 (b) certify the test results to the department; and

17 (c) comply with regulations of the department, the superintendent of public instruction, and the board
18 of regents.

19 (4) (a) Except as otherwise provided by law, a resident who has a valid driver's license issued by
20 another jurisdiction may surrender that license for a Montana license of the same class, type, and endorsement
21 upon payment of the required fees and successful completion of a vision examination. In addition, a resident
22 surrendering a commercial driver's license issued by another jurisdiction shall successfully complete any
23 examination required by federal regulations before being issued a commercial driver's license by the department.

24 (b) The department may require an applicant who surrenders a valid driver's license issued by another
25 jurisdiction to submit to a knowledge and skills test if:

26 (i) the applicant has a physical or mental disability, limitation, or condition that impairs, or may impair,
27 the applicant's ability to exercise ordinary and reasonable control in the safe operation of a motor vehicle on the
28 highway; and

29 (ii) the surrendered license does not include readily discernible adaptive equipment or operational
30 restrictions appropriate to the applicant's functional abilities; or

(iii) the applicant wants to remove or modify a restriction imposed on the surrendered license.

(c) When a license from another jurisdiction is surrendered, the department shall notify the issuing agency from the other jurisdiction that the applicant has surrendered the license. If the applicant wants to retain the license from another jurisdiction for identification or other nondriving purposes, the department shall place a distinctive mark on the license, indicating that the license may be used for nondriving purposes only, and return the marked license to the applicant."

Section 26. Section 61-6-303, MCA, is amended to read:

"61-6-303. Exempt vehicles. The following vehicles and their drivers are exempt from the provisions of 61-6-301:

(1) a vehicle owned by the United States government or any state or political subdivision;

(2) a vehicle for which cash, securities, or a bond has been deposited or filed with the department upon such terms and conditions providing the same benefits available under a required motor vehicle liability insurance policy;

(3) a vehicle owned by a self-insurer certified as provided in 61-6-143;

(4) an implement of husbandry or special mobile equipment that is only incidentally operated on a highway or property open to use by the public;

(5) a vehicle operated upon a highway only for the purpose of crossing such highway from one property to another;

(6) a commercial vehicle registered or proportionally registered in this and any other jurisdiction, provided that vehicle is covered by a motor vehicle liability insurance policy complying with the laws of another jurisdiction in which it is registered;

(7) a motorcycle ~~or quadricycle~~;

(8) a vehicle moved solely by human or animal power;

(9) a vehicle owned by a nonresident if it is currently registered in the owner's resident jurisdiction and ~~he the owner~~ is in compliance with the motor vehicle liability insurance requirements, if any, of that jurisdiction."

Section 27. Section 61-8-359, MCA, is amended to read:

"61-8-359. Riding on motorcycles. (1) A person operating a motorcycle ~~or quadricycle~~ on public streets or highways may ride only upon the permanent and regular seat attached to the motorcycle ~~or~~

quadricycle. The operator may not carry any other person and another person may not ride on a motorcycle or quadricycle unless the motorcycle or quadricycle is designed to carry more than one person, in which event a passenger may ride upon the permanent and regular seat if designed for two persons or upon another seat firmly attached to the rear or side of the operator.

(2) A passenger may not be carried in a position that will interfere with the operation of the motorcycle or quadricycle or the view of the operator.

(3) A person operating a motorcycle or quadricycle may not carry any packages, bundles, or articles that would prevent the operator from keeping both hands on the handlebars or that would interfere with the operation of the vehicle in a safe and prudent manner.

(4) A person may ride upon a motorcycle or quadricycle only while sitting astride the seat, facing forward, with one leg on each side of the motorcycle or quadricycle.

(5) Except as provided in subsections (5)(a) and (5)(b), motorcycles and quadricycles must be operated with lights on at all times when operated on any public roadway. A motorcycle or quadricycle may be operated without lights from one-half hour before sunrise to one-half hour after sunset if:

(a) the motorcycle is registered under 61-3-411 as a collector's item and if persons and vehicles are clearly discernible at a distance of 500 feet; or

(b) the motorcycle or quadricycle is being driven to the nearest repair facility for headlamp repair.

(6) No more than two motorcycles may be operated side by side in a single traffic lane.

(7) All motor vehicles, including motorcycles and quadricycles, are entitled to the full use of a traffic lane, and a vehicle may not be driven or operated in a manner that deprives any other vehicle of the full use of a traffic lane, except that motorcycles may, with the consent of both drivers, be operated no more than two abreast in a single traffic lane.

(8) Every person riding a motorcycle or quadricycle upon a roadway is granted all of the rights and is subject to all of the duties applicable to the driver of a motor vehicle except for those provisions which, by their nature, can have no application."

Section 28. Section 61-9-203, MCA, is amended to read:

"61-9-203. Headlamps on motor vehicles. (1) A motor vehicle other than a motorcycle, quadricycle, or motor-driven cycle must be equipped with at least two headlamps, with at least one on each side of the front of the motor vehicle, that comply with the requirements and limitations set forth in this chapter.

(2) A motorcycle, ~~quadricycle~~, or motor-driven cycle must be equipped with at least one and not more than two headlamps that comply with the requirements and limitations of this chapter. If a motorcycle is registered under 61-3-411 as a collector's item, it need not be equipped with headlamps; however, if it is not equipped with headlamps, it may not be operated upon a highway or street from one-half hour after sunset to one-half hour before sunrise or if persons and vehicles are not clearly discernible at a distance of 500 feet. A motorcycle may be equipped with a means of modulating the high beam of its headlamps between high and low beam at a rate of 200 to 280 flashes a minute; however, an operator may not modulate the headlamps at that rate during periods when headlamps are required to be lighted by 61-9-201.

(3) A headlamp upon a motor vehicle, including a motorcycle, ~~quadricycle~~, and motor-driven cycle, must be located at a height, measured from the center of the headlamp, of not more than 54 inches or less than 22 inches, to be measured as provided in 61-9-202(2).

(4) When headlamps are required to be lighted by 61-9-201, a person may not operate a motor vehicle on a highway with headlamps that are composed of, covered by, or treated with a tinted or colored material, substance, system, or component that obscures the headlamps or diminishes the distance of visibility required by this section.

(5) This section does not prohibit the operation or sale of a motor vehicle the headlamps of which are composed of, covered by, or treated with a tinted or colored material, substance, system, or component with which the vehicle was sold or could have been equipped for sale when new as standard or optional equipment in compliance with federal statute or regulation governing the sale at the time of manufacture."

Section 29. Section 61-9-204, MCA, is amended to read:

"61-9-204. Taillamps. (1) A motor vehicle, trailer, semitrailer, and pole trailer and any other vehicle that is being drawn at the end of a combination of vehicles must be equipped with at least one properly functioning taillamp mounted on the rear that emits a red light plainly visible from a distance of 500 feet to the rear, except that in the case of a combination of vehicles, only the taillamp on the rearmost vehicle need actually be seen from the distance specified. The vehicles mentioned in this subsection, other than a motorcycle, ~~quadricycle~~, motor-driven cycle, or truck tractor, registered in this state and manufactured or assembled after January 1, 1956, must be equipped with at least two properly functioning taillamps mounted on the rear that emit a red light plainly visible from a distance of 1,000 feet to the rear of the vehicle.

(2) A taillamp upon a vehicle must be located at a height of not more than 72 inches or less than 15

1 inches.

2 (3) Either a taillamp or a separate lamp must illuminate with a white light the rear registration plate and
3 render it clearly legible from a distance of 50 feet to the rear. A taillamp or taillamps, together with a separate
4 lamp for illuminating the rear registration plate, must be lighted whenever the headlamps are lighted.

5 (4) Taillamps are not required on a motorcycle that is registered under 61-3-411 as a collector's item,
6 but the motorcycle may not be operated on a highway or street from one-half hour after sunset to one-half hour
7 before sunrise or when persons and vehicles are not clearly discernible at a distance of 500 feet unless it is
8 equipped with the required taillamps.

9 (5) A person may not operate a motor vehicle on a highway with taillamps that are covered by a lens
10 or a plastic cover or with a tinted or colored material, substance, system, or component placed on or in front of
11 rear lamps, taillamps, license plate lamps, or rear lamp combinations that obscures the taillamps or diminishes
12 the distance of visibility required by this section.

13 (6) This section does not prohibit a vehicle manufactured prior to 1960 from being equipped with a
14 taillamp that includes within the red cover a center lens that is blue in color."

15
16 **Section 30.** Section 61-9-205, MCA, is amended to read:

17 **"61-9-205. New motor vehicles to be equipped with reflectors.** (1) Every new motor vehicle hereafter
18 sold and operated upon a highway, other than a truck tractor, ~~shall~~ must carry on the rear, either as a part of the
19 taillamps or separately, two red reflectors, except that every motorcycle, ~~quadricycle,~~ and motor-driven cycle
20 ~~shall~~ must carry at least one reflector meeting the requirements of this section; and except that vehicles of the
21 type mentioned in 61-9-208 ~~shall~~ must be equipped with reflectors as required ~~in those sections applicable~~
22 ~~thereto~~ by 61-9-208 and other applicable sections.

23 (2) Every ~~such~~ reflector ~~shall~~ must be mounted on the vehicle at a height not less than 15 inches or
24 more than 60 inches measured as set forth in 61-9-202(2) and ~~shall~~ must be of ~~such~~ a sufficient size and
25 characteristics and ~~so be~~ mounted ~~as in order~~ to be visible at night from all distances within 300 feet to 50 feet
26 from ~~such~~ the vehicle when directly in front of lawful upper beams of headlamps, except that visibility from a
27 greater distance may be required of reflectors on certain types of vehicles."

28
29 **Section 31.** Section 61-9-220, MCA, is amended to read:

30 **"61-9-220. Multiple-beam road-lighting equipment.** Except as provided in this part, the headlamps

1 or the auxiliary driving lamps or combination of both on a motor vehicle other than a motorcycle, ~~quadricycle,~~
2 or motor-driven cycle must be ~~so~~ arranged so that the driver may select between distributions of light projected
3 to different elevations. The selection can be made automatically, subject to the following limitations:

4 (1) There must be an uppermost distribution of light, or composite beam, capable of revealing persons
5 and vehicles at a distance of at least 350 feet ahead for all conditions of loading.

6 (2) There must be a lowermost distribution of light, or composite beam, capable of revealing persons
7 and vehicles at a distance of at least 100 feet ahead. On a straight level road under any condition of loading the
8 high-intensity portion of the beam may not be directed to strike the eyes of an approaching driver.

9 (3) A motor vehicle, other than a motorcycle, ~~quadricycle,~~ or motor-driven cycle, manufactured after
10 January 1, 1956, that has multiple-beam road-lighting equipment must be equipped with a beam indicator that
11 must be lighted whenever the uppermost distribution of light from the headlamps is in use; and may not
12 otherwise be lighted. The indicator must be readily visible without glare to the driver of the vehicle."
13

14 **Section 32.** Section 61-9-225, MCA, is amended to read:

15 **"61-9-225. Number of driving lamps required or permitted.** (1) At all times specified in 61-9-201, at
16 least two lighted lamps ~~shall~~ must be displayed, one on each side at the front of every motor vehicle other than
17 a motorcycle, ~~quadricycle,~~ or motor-driven cycle, except when ~~such~~ the vehicle is parked, subject to the
18 regulations governing lights on parked vehicles.

19 (2) Whenever a motor vehicle equipped with headlamps as ~~herein~~ required in this part is also equipped
20 with any auxiliary lamps or a spot lamp or any other lamp on the front ~~thereof~~ of the motor vehicle projecting a
21 beam of intensity greater than 300 candlepower, not more than a total of four of ~~any such~~ the lamps on the front
22 of a vehicle ~~shall~~ may be lighted at any one time when the motor vehicle is being operated upon a highway."
23

24 **Section 33.** Section 61-9-304, MCA, is amended to read:

25 **"61-9-304. Brakes required on all wheels -- exceptions.** Every vehicle must be equipped with brakes
26 acting on all wheels except:

27 (1) trailers, semitrailers, pole trailers of a gross weight not exceeding 3,000 pounds, provided that:

28 (a) the total weight on and including the wheels of the trailer or trailers may not exceed 40% of the gross
29 weight of the towing vehicle when connected to the trailer or trailers; and

30 (b) the combination of vehicles consisting of the towing vehicle and its total towed load is capable of

1 complying with the performance requirements of 61-9-312;

2 (2) any vehicle being towed in driveway or towaway operations, provided the combination of vehicles
3 is capable of complying with the performance requirements of 61-9-312;

4 (3) trucks and truck tractors having three or more axles need not have brakes on the front wheels; if
5 the vehicle was manufactured before July 25, 1980. However, the trucks and truck tractors must be capable of
6 complying with the performance requirements of 61-9-312.

7 (4) special mobile equipment as defined in 61-1-104;

8 (5) the wheel of a sidecar attached to a motorcycle or to a motor-driven cycle, or the front wheel of a
9 motor-driven cycle need not be equipped with brakes. However, a ~~quadricycle~~, motorcycle; or motor-driven cycle
10 must be capable of complying with the performance requirements of 61-9-312."
11

12 **Section 34.** Section 61-9-405, MCA, is amended to read:

13 **"61-9-405. Windshields required; -- exception -- unobstructed and equipped with wipers --**
14 **window tinting and sunscreening -- restrictions -- exemptions.** (1) A motor vehicle, except a motorcycle,
15 ~~quadricycle~~, motor-driven cycle, or farm tractor, must be equipped with a front windshield meeting the
16 requirements of 61-9-408, unless the driver wears safety glasses, goggles, or face shields at all times during
17 the operation of the motor vehicle.

18 (2) A person may not drive a motor vehicle with:

19 (a) a sign, poster, substance, or other nontransparent material upon the front windshield, side wings,
20 or side or rear windows of the vehicle that materially obstructs, obscures, or impairs the driver's clear view of
21 the highway or an intersecting highway; or

22 (b) a windshield that is shattered or in such a defective condition that it materially impairs or obstructs
23 the driver's clear view.

24 (3) The windshield on a motor vehicle must be equipped with a device for clearing rain, snow, or other
25 moisture from the windshield. The device must be maintained in good working order.

26 (4) A person may not operate a motor vehicle that is required to be registered in this state upon a
27 highway if:

28 (a) the windshield has suncreening material that is not clear and transparent below the AS-1 line or
29 if it has a sunscreening material that is red, yellow, or amber in color above the AS-1 line;

30 (b) the front side windows have sunscreening or other transparent material that has a luminous

1 reflectance of more than 35% or has light transmission of less than 24%;

2 (c) the rear window or side windows behind the front seat have sunscreening or other transparent
3 material that has a luminous reflectance of more than 35% or has light transmission of less than 14%, except
4 for the rear window or side windows behind the front seat on a multipurpose vehicle, van, or bus; or

5 (d) the windows of a camper, motor home, pickup cover, slide-in camper, or other motor vehicle do not
6 meet the standards for safety glazing material specified by federal law in 49 CFR 571.205.

7 (5) As used in 61-9-428, 61-9-429, and this section, the following definitions apply:

8 (a) "Camper" means a structure designed to be mounted in the cargo area of a truck or attached to an
9 incomplete vehicle for the purpose of providing shelter for persons.

10 (b) "Glass-plastic glazing material" means a laminate of one or more layers of glass and one or more
11 layers of plastic in which a plastic surface of the glazing faces inward when the glazing is installed in a vehicle.

12 (c) "Light transmission" means the ratio of the amount of total light, expressed in percentages, that is
13 allowed to pass through the suncreening or transparent material to the amount of total light falling on the motor
14 vehicle window.

15 (d) "Luminous reflectance" means the ratio of the amount of total light, expressed in percentages, that
16 is reflected outward by the sunscreening or transparent material to the amount of total light falling on the motor
17 vehicle window.

18 (e) "Motor home" means a multipurpose passenger vehicle that provides living accommodations.

19 (f) "Multipurpose vehicle" means a motor vehicle designed to carry 10 or fewer passengers that is
20 constructed on a truck chassis or with special features for occasional off-road use.

21 (g) "Pickup cover" means a camper having a roof and sides but without a floor designed to be mounted
22 on and removable from the cargo area of a pickup truck by the user.

23 (h) "Slide-in camper" means a camper having a roof, floor, and sides designed to be mounted on and
24 removable from the cargo area of a truck by the user.

25 (i) "Sunscreening material" means a film, material, tint, or device applied to motor vehicle windows for
26 the purpose of reducing the effects of the sun.

27 (6) Except as provided in subsection (7), subsection (4) applies to all vehicles that are equipped with
28 tinted windows, including windows with less than 100% light transmission to which additional suncreening
29 material has been applied.

30 (7) Subsection (4) does not apply to a multipurpose vehicle that is equipped with tinted windows that

1 were installed by the manufacturer of the vehicle or to a hearse, ambulance, government vehicle, or any other
2 vehicle to which a currently valid certificate of waiver is affixed as specified under 61-9-428. A certificate of
3 waiver must be issued by the department for a vehicle that was registered in this state on October 1, 1991, and
4 was equipped with a sunscreening device or other material prohibited under subsection (4) on October 1, 1991."

5
6 **Section 35.** Section 61-9-407, MCA, is amended to read:

7 **"61-9-407. Fenders, splash aprons, or flaps required on certain vehicles -- dimension and**
8 **location.** (1) A person may not move, or permit to be moved, a vehicle, except a motorcycle, ~~quadricycle,~~
9 motor-driven cycle, or farm tractor, as defined in this title, upon the public highways without having first equipped
10 the rearmost wheels or set of wheels of the vehicle with fenders, splash aprons, or flaps. The fenders, splash
11 aprons, or flaps must be designed, constructed, and attached to the vehicle in a manner that arrests and deflects
12 dirt, mud, water, rocks, and other substances that may be picked up by the rear wheels of the vehicle and thrown
13 into the air, as follows:

14 (a) If the vehicle is equipped with fenders, the fenders must extend in full width from a point above and
15 forward of the center of the tire or tires over and to the rear of the tires.

16 (b) If the vehicle is equipped with splash aprons or flaps, the splash aprons or flaps must extend
17 downward in full width from a point not lower than halfway between the center of the tire or tires and the top of
18 the tire or tires and to the rear of the tires.

19 (c) If the vehicle is in excess of 8,000 pounds gross vehicle weight or rating, the fenders, splash aprons,
20 or flaps must extend downward to a point that is not more than 10 inches above the surface of the highway when
21 the vehicle is empty.

22 (d) If the vehicle is 8,000 pounds or less gross vehicle weight or rating, the fenders, splash aprons, or
23 flaps must extend downward to a point that is not more than 20 inches above the surface of the highway when
24 the vehicle is empty.

25 (2) Fenders, splash aprons, or flaps, as used in subsection (1), must be constructed as follows:

26 (a) when measured on the cross-sections of the tread of the wheel or on the combined cross-sections
27 of the treads of multiple wheels, the fender, splash apron, or flap extends at least to each side of the width of
28 the tire or of the combined width of the multiple tires; and

29 (b) the fender, splash apron, or flap is capable at all times of arresting and deflecting dirt, mud, water,
30 or other substance that may be picked up and carried by the wheel or wheels.

(3) This section does not apply to street rod vehicles; motor vehicles not originally equipped with fenders, splash aprons, or flaps; or motor vehicles for which fenders, splash aprons, or flaps were not required by federal law or regulation at the time of manufacture.

(4) For purposes of 61-9-430 and this section, "street rod" means a vehicle manufactured before 1949 that has been modified in body style or design."

Section 36. Section 61-9-417, MCA, is amended to read:

"61-9-417. Headgear required for minor motorcycle riders. (1) An operator and passenger under 18 years of age of a motorcycle ~~or quadricycle~~ operated upon the streets or highways of this state shall wear protective headgear upon the head. The headgear must meet standards established by the department of justice.

(2) A person may not operate a motorcycle upon a highway in the state unless all passengers under 18 years of age are in compliance with subsection (1)."

Section 37. Section 61-9-418, MCA, is amended to read:

"61-9-418. Motorcycle noise suppression devices. All motorcycles ~~or quadricycles~~ operated on the streets and highways of this state ~~shall~~ must be equipped at all times with noise suppression devices, including an exhaust muffler, in good working order and in constant operation. In addition, all motorcycles ~~and quadricycles~~ operating on streets and highways ~~shall~~ must meet the following noise decibel limitations, on the standard A scale, ~~such~~ The decibel limitations ~~to~~ must be measured at 50 feet distant from the closest point to the motorcycle ~~or quadricycle~~:

- | | |
|--|------------|
| (1) any cycle <u>motorcycle</u> manufactured prior to 1970 | 92 db(A); |
| (2) any cycle <u>motorcycle</u> manufactured after 1969 but prior to 1973 | 88 db(A); |
| (3) any cycle <u>motorcycle</u> manufactured after 1972 but prior to 1975 | 86 db(A); |
| (4) any cycle <u>motorcycle</u> manufactured after 1974 but prior to 1978 | 80 db(A); |
| (5) any cycle <u>motorcycle</u> manufactured after 1977 but prior to 1988 | 75 db(A); |
| (6) any cycle <u>motorcycle</u> manufactured after 1987 | 70 db(A)." |

Section 38. Section 61-9-421, MCA, is amended to read:

"61-9-421. Certain vehicles exempt. Section 61-9-420 is not applicable to a vehicle that:

(1) is a motorbus, schoolbus, taxicab, moped, ~~quadricycle~~, or motorcycle or is not required to be equipped with safety belts under 49 CFR 571 as it reads on January 1, 1984; or

(2) has a seating capacity as designated by the manufacturer of two persons and there are two persons 4 years of age or older in the vehicle."

Section 39. Section 61-9-430, MCA, is amended to read:

"61-9-430. Bumpers. (1) A motor vehicle of less than 10,000 pounds gross vehicle weight or rating registered in Montana, except a motorcycle, a ~~quadricycle~~, a motor-driven cycle, or a farm tractor, must be equipped with a front bumper and, unless the vehicle is equipped with work-performing features that make installation impractical or unnecessary, with a rear bumper.

(2) This section does not apply to street rod vehicles, as defined in 61-9-407(4), vehicles not originally equipped with front or rear bumpers, or vehicles for which bumpers were not required by federal law or regulation at the time of manufacture."

NEW SECTION. **Section 40. Effective date.** [This act] is effective January 1, 2006.

- END -